

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SERGEI KOVALEV,	:	
Plaintiff	:	CIVIL ACTION
v.	:	
	:	
HOME DEPOT U.S.A., INC. et al.,	:	No. 22-465
Defendants	:	

ORDER

AND NOW, this 21st day of March, 2023, upon consideration of Defendants Home Depot U.S.A., Inc. and The Home Depot, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 17), and Plaintiff's Response (Doc. No. 18), for the reasons set forth in the accompanying omnibus memorandum of this date, it is **ORDERED** that:

1. Defendants' Motion to Dismiss (Doc. No. 17) is **GRANTED**; and
2. if Mr. Kovalev wishes to seek leave to amend his complaint, he must FILE a motion seeking leave to file an amended complaint within 60 days of this Order. After 60 days, this case will be dismissed for failure to prosecute.¹

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ "[T]o request leave to amend a complaint, the plaintiff must submit a draft amended complaint to the court so that it can determine whether amendment would be futile." *Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 252 (3d Cir. 2007).